

**AKIN GUMP
STRAUSS HAUER & FELD LLP**
Attorneys at Law

FAX TRANSMISSION

December 2, 2005

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From: Sean P. DeBruine
Total Pages: 2
Direct Dial: 415.765.9585
Re: Lumileds Lighting LLC v. Epistar Corp. and United Epitaxy Corp.
Message: Please see attached.

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December 2, 2005

VIA FACSIMILE AND U.S. MAIL

Daniel Johnson, Jr., Esq.
Morgan, Lewis & Bockius LLP
One Market Street
Spear Street Tower
San Francisco, CA 94105

Re: Lumileds Lighting LLC v. Epistar Corp. and United Epitaxy Corp.

Dear Dan:

This will confirm our conversation yesterday. On behalf of Epistar Corp. and United Epitaxy Corp., I agreed to waive service of process in the district court case. We did not, however, discuss the date for defendants to answer or otherwise respond to the complaint. Since we were not authorized agents of the defendants when your colleague made the original request, and for ease of calculation, I propose that we treat our conversation as the date of Lumileds' request such that defendant's answer be due in 60 days, on January 30, 2006. Please let me know if this is acceptable to Lumileds.

You indicated that, should Epistar and UEC decide to move to stay the District Court case in light of the ITC investigation, Lumileds would not oppose. You also indicated that Lumileds would file a notice of related cases and ask that the district court case be assigned to Judge Wilken. We will let you know whether or not we would oppose that assignment.

For purposes of discovery, we agreed to produce documents electronically, with each party bearing its costs to produce documents. We will have a discussion next week including our paralegals regarding the preferred format for the electronic documents.

I understand that the ITC investigation has been assigned to ALJ Harris, so I am unable to accept your wager that Judge Luckern would go the entire investigation without pronouncing my name right.

Let me know if there are any other matters we need to discuss.

Sincerely,



Sean P. DeBruine